REMARKS

Status of the Application:

Claims 1–66 are the claims of record of the application. Claims 1, 2, 6, 9, 28–32, 35, 40, 41, 43–52, 54–57, 59–66 have been rejected and claims 3–5, 7, 8, 10–26, 33, 34, 36–38, 42, 53, 58 have been objected to and would be allowable if rewritten in independent form. Claims 27 and 39 are allowed.

Amendment to the Claims:

Applicants have amended each of claims 3, 7, 10, 33, 36, 42, 53, 57, and 58 to be in independent form and to include all limitation of the base independent claim and any intervening claims.

Applicants have amended claims 56 and 57 to delete a phrase cited by the Office in the 35 USC 112 rejection.

Applicants have amended each of independent claims 1, 28, 39, 40, 44, 60, and 64 to add limitations so that these independent claims include at least one feature not found in the cited references.

Other claim amendments are for consistency with the above-described amendments

Claim Rejections -35 USC § 112 Second Paragraph (Indefiniteness)

Claims 56 and 57 were rejected under 35 USC 112, second paragraph, as being indefinite. The Office asserts that the limitation "relatively small time" used in claims 56 and 57 is not a positive recitation. While Applicants do not agree with this characterization, purely to remove this point of contention, Applicants have amended claims 56 and 57 to remove the term. Withdrawal of the rejection is respectfully requested.

Claim Rejections -35 USC § 102 and 35 USC § 103

In Paragraph 2, Claims 1, 28, 40, 44, 60, and 64 were rejected under 35 USC 102(e) as being anticipated by Maltsev et al. (US PAT PUB 2004/0190560, hereinafter Maltsev).

In paragraph 6 of the Office Action, claims 2, 6, 29, 30, 32, 35, 41, 43, 45, 47, 51, 61–63, 65 and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev as applied to claims 1, 28, 44 and 60 above and further in view of Poulbere et al. (US PAT 6785350, hereinafter Poulbere).

Applicants certainly appreciate the hard work the Examiner has put into formulating the rejection.

The Office states that Maltsev does not teach detecting the start of packet (SOP) includes using at least one of the set of SOP methods that comprises: detecting that a threshold was exceeded by the average received signal power; detecting that a threshold was exceeded by the average power rise of the received signal; and detecting that a threshold was exceeded by a measure of the quality of the correlation of the input signal with a known part of the preamble.

The Office then cites Poulbere in the same field of endeavor as teaches the SOP includes using at least one of the set of SOP methods that comprises detecting that a threshold was exceeded by the average received signal power. Applicants admit that Poulbere teaches detecting that a threshold was exceeded by the average received signal power. However, Poulbere in the cited part, or elsewhere does not teach or suggest another SOP method -- detecting that a threshold was exceeded by the average power rise of the received signal. Poulbere also does not disclose or suggest determining a measure of the average power rise of the received signal, as is disclosed in Applicants invention.

As seen in Poulbere's drawings and text, Poulbere teaches a power level calculator, and does not teach a determining the power **rise**. Furthermore, the cited part of Poulbere states:

> wherein said selected symbol set detector detects the selected symbol set to
> have been received at the communication device when both the indications of
> the phase values are greater than the selected phase-value threshold and the

> ratios of the values of the correlation calculations relative to values of the
> average power levels are greater than a selected ratio-value threshold

which does not teach or suggest determining a measure of the average *rise* in received
signal power.

Applicants on the other hand do include determining a measure of the average rise
in received signal power, and a determiner of such a measure.

Applicants have amended each independent claim to include:

- Determining a measure of the average power rise of the received signal
  (claims 1 and 44).

- The SOP detector is configured to determine a measure of the average (in
  claim 28).

- The means for determining including means for determining a measure of the
  rise of received signal power (claims 40 and 64).

- The SOP detector being arranged to determine a measure of the average power
  rise of the received signal (claim 60).

See, for example, FIG. 4, 5 and 6, and the description of such determining a
measure of the average power rise and apparatus for so determining the measure.
Paragraph [110], for example, and elsewhere describes this feature.

With such an amendment, independent claims 1, 28, 40, 44, 60, and 64 includes
feature not disclosed or made obvious in any of the cited references. These independent
claims (as amended) and all their dependent claims (as amended) are therefore allowable
over the cited references. Allowance thereof is respectfully requested.

**In paragraph 3 of the Office Action, claims 1 and 44 were rejected under 35 U.S.C.
102(e) as being anticipated by Troya et al. (US PAT PUB 2006/0146962, hereinafter
Troya)**

As stated above, Applicants have amended claims 1 and 44 to include determining
a measure of the average power rise of the received signal.

Troya bases his measure on the quantity J(k), which is the autocorrelation of the input signal. See Troya's element 20 that determines the quantity in Eq. 1 (Troya, parag [0088]), and also the description provided by the Office.

Troya does not teach or suggest determining a measure of the average power rise of the received signal.

Claims 1 and 44, as amended, are therefore allowable over Troya. Withdrawal of the rejection over Troya, and allowance claims 1 and 44 is respectfully requested.

In paragraph 6 of the Office Action, claims 2, 6, 29, 30, 32, 35, 41, 43, 45, 47, 51, 61–63, 65 and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev as applied to claims 1, 28, 44 and 60 above and further in view of Poulbere.

In paragraph 6 of the Office Action, claims 9 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev and Poulbere as applied to claims 1 and 44 above and further in view of Chadha et al. (US PAT PUB 2004/0170237, hereinafter Chadha).

In paragraph 8 of the Office Action, claims 46, 50, 55, 56 and 59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev as applied to claim 44 above and further, in view of Chadha.

In paragraph 9 of the Office Action, claim 48 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev as applied to claim 44 above and further in view of Alexander et al. (US PAT 2004/0264561).

In paragraph 10 of the Office Action, claim 49 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev and Chadha as applied to claims 44 and 46 above and further in view of lmamura (US PAT APP 2003/0012297).

In paragraph 11 of the Office Action, claims 7 and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maltsev as applied to claims 1 and 44 above and further in view of Poulbere and Marsili (US PAT PUB 2005/0220212).

Without addressing the specifics of the rejections, please note that each of these claims are dependent on claims already shown to be allowable.

Again, without addressing the correctness of the assertions made in each of these rejections. Each rejection either relies on the combination of Maltsev and Poulbere, a

combination already shown not to include or suggest feature(s) included in the independent claims (as amended). Each of these rejections does not take into account the now included limitation of determining a measure of average power rise.

The rejections are therefore overcome by the claims, as amended.

Allowance of these claims is respectfully requested.

Allowable Subject Matter

In paragraph 12 of the Office Action, claim 57 was stated it would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112. Applicants have so amended claim 57. Applicants also have amended claim 57 to be in independent form, including all of the limitations of the base claim and any intervening claims. Hence, claim 57 is allowable.

In paragraph 13 of the Office Action, the Office stated that each of claims 3, 4, 5, 8, 10–26, 33, 34, 36-38, 42, 53 and 58 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Each of claims 3, 7, 10, 33, 36, 42, 53, 58 has been amended to be in independent, including all of the limitations of the base claim and any intervening claims. The other cited claims are dependent on one of these. Hence, claims 3, 4, 5, 8, 10–26, 33, 34, 36-38, 42, 53 and 58 are now allowable.

Claims 27 and 39 were allowed.

For these reasons, and in view of the above amendment, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Conclusion

The Applicants believe all of Examiner's rejections have been overcome with respect to all remaining claims (as amended), and that the remaining claims are allowable. Action to that end is respectfully requested.

If the Examiner has any questions or comments that would advance the prosecution and allowance of this application, an email message to the undersigned at dov@inventek.com, or a telephone call to the undersigned at +1-510-547-3378 is requested.

Respectfully Submitted,

__22 May 2008__   __/Dov Rosenfeld/ #38687__
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